Mr. C. V. Iyyu *(Kunnamkulam):* What will be the approximate expenditure if this resolution is accepted?

Mr. K. Achyuta Menon *(Secretary to Government):* Rs. 600 a year. There are 125 libraries and the proceedings cost Rs. 4.

Mr. C. V. Iyyu *(Kunnamkulam):* Shall I take it for granted that the Government will consider it after the war and if there is a large supply of paper?

Mr. K. Achyuta Menon *(Secretary to Government):* The Government will consider it after conditions improve.

Mr. C. V. Iyyu *(Kunnamkulam):* In view of the assurance given by the Hon'ble Secretary to Government, I beg to withdraw the resolution.

Resolution, by leave, withdrawn

RESOLUTION No. 9

Recognition to the principle of communal justice in appointments above the purview of the Staff Selection Board

Mr. M. K. Devassy *(Adur):* Sir, the resolution that I have tabled for discussion reads thus.—

"This Council recommends to the Government to give a more effective recognition to the principle of communal justice in appointments above the purview of the Staff Selection Board".

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, ഇതു വളരെ ഗൌരവമേറിയ ഒരു വിഷയമായതുകൊണ്ടും, ദിവാൻജിയവർകൾക്കു ഈ നാട്ടിലെ സ്ഥിതിഗതികളെക്കുറിച്ചു് നല്ലപോലെ മനസ്സിലാക്കുവാൻ സാധിച്ചിട്ടില്ലാത്തതുകൊണ്ടും, നാളെ നു-ാം നമ്പർ പ്രമേയം ആലോചനക്കെടുക്കുവാൻ മാറ്റിവെച്ചിട്ടുള്ള തരത്തിൽ അടുത്തതായി ദിവാൻജിയുടെ അദ്ധ്യക്ഷതയിൽ യോഗം സമ്മേളിക്കുമ്പോൾ ഇതും ആലോചനക്കെടുക്കുവാനായി മാറ്റിവെക്കുന്നപക്ഷം അദ്ദേഹത്തിനു ഈ നാട്ടിലെ ഉദ്യോഗസംബന്ധമായ സാമുദായിക അസമത്വങ്ങളെ വിശദമായിമനസ്സിലാക്കുവാൻ സാധിക്കുന്നതാണു്. അതുകൊണ്ടു് നു-ാം നമ്പർ പ്രമേയം മാറ്റിവെച്ചു ന്യായത്തിന്മേൽതന്നെ ഇതും മാറ്റിവെക്കണമെന്നു് ഞാൻ അപേക്ഷിക്കുന്നു.

ഡെപ്യൂട്ടി പ്രസിഡണ്ടു്: നു-ാം നമ്പർ പ്രമേയം മാറ്റിവെച്ചതു് അതിനെ സംബന്ധിച്ചു് ആലോചിക്കുവാൻ ഗവണ്മെണ്ടിനു സൌകര്യം കൊടുക്കുവാനാണു്. ആ ന്യായം ഇതിനു യോജിക്കുന്നില്ല. നു-ാം നമ്പർ പ്രമേയം അങ്ങിനെ മാറ്റിവെച്ചിട്ടുള്ളതു് ഗവണ്മെണ്ടിന്റെ ആവശ്യപ്രകാരമാണു്.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഗവണ്മെണ്ടിന്റെ ആവശ്യപ്രകാരമാണെങ്കിൽ ചെയ്യാം, ജനങ്ങളുടെ ആവശ്യപ്രകാരമാണെങ്കിൽ ചെയ്യുകയില്ലാ എന്നാണോ പറയുന്നതു്?

ഡെപ്യൂട്ടി പ്രസിഡണ്ടു്: ജനങ്ങളും ഇങ്ങിനെ എല്ലാ സംഗതികളും ആവശ്യപ്പെട്ടുകഴിഞ്ഞാൽ അതൊക്കെ ചെയ്യുവാൻ പ്രയാസമായിരിക്കും.

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Mr. E. Ikkanda Warriar *(Cheruthuruthi):* I object to this sort of insinuation against the Chair.

Mr. M. K. Devassy *(Adur):* I don't mind, Sir, whether the resolution is moved in the absence of the Diwan or in the presence of the Diwan because I take it that if the Diwan is a responsible officer he should go through the Council Proceedings especially so since the more important topics come up for discussion after lunch when the Diwan is not generally presiding. This is the first time, Sir, that I actively enter upon the field of communal representation. In fact though the principle of communal representation was being very vehemently discussed on the floor of this House by many of the leaders of the several communities, I thought that the subject was given ample justice by them and that any contribution from me will be superfluous and unnecessary. This is like one of the resolutions that just preceded this, the one for responsible government, because I am sure that as soon as this resolution is moved the Government Secretary will say that the principle is an accepted one. Some time ago my friend Mr. V. K. Krishnankutty moved a similar resolution in this House and the principle of communal justice was accepted by the Government as a matter of policy.

I do not think that the Government will go back upon the assurance given on the floor of this House with regard to this important matter. But, Sir, the acceptance of a principle is one thing and the acting upon that principle is a different thing. One difficulty with which we have been faced is that we find a number of principles accepted but we find few of them put into actual practice with the result that the assurance given by the Government prove to be of no value whatsoever. I am also inclined to refer to the facts and figures with regard to this matter more because there is an atmosphere created especially in recent times against the principle of communal representation which is not justified in this country. To my surprise I had occasion to read in some of the papers articles coming from ex-members of this Council opposing communal representation out and out and advocating the principle of representation based upon the educational standard of each community. To my mind it appears that views of that sort have been exploded long ago and it is rather too idle to import such views into a field where the principles have been clearly enunciated and accepted. It was a surprise to me, because I have never heard advocates of that sort raising their voice at a time when the Government was presided upon by a believer in the principle of communal representation. The principle of communal representation was accepted by the Government, schemes for the effective working of that principle were adumbrated on the floor of this House and accepted by the Government, and they have been in

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existence for a pretty long time. And to find that after such a long time even the fundamentals of that machinery are being questioned from quarters which were almost blissfully silent hitherto is a matter of suprise to us.

Now, Sir, there is one peculiar feature with regard to this problem. That feature is, to one class of people a voice in support of communal representation is almost sickening. They seem to think that these people who come here advocating the principle of communal representation are inveterate foes of other communities, are far behind times, are disturbers of the tranquility of the country. To my mind, Sir, if there is any method by which we can maintain communal harmony in the country it is the method of giving due share to each community in the several privileges afforded by the State. In Indian States it is no secret to say that the quesion of the proper distribution of jobs among the several communities has an equally important part like any other important political issue, and it will be actually trying to take away the real importance of the problem, if it were to be belittled by interested quarters. I think I would only be justified in presenting before the House the actual state of affairs now. Out of a total of 1275 Government servants, Christians get 200, Ezhuvas get 70, Nayars 566, Muslims 22, Brahmins 330, and other castes 87.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Which category of appointments do you mean by these statistics?

Mr. M. K. Devassy *(Adur):* Taken all together.

I will deal with the grades afterwards. While the Christians with a population of four lakhs and odd get two hundred employees, Nayars with a population of one lakh and 60 thousand get 566 employees. The Ezhuvas with three lakhs and 27 thousand get 70 and the Muslims with one lakh and 9 thousand, 22, Brahmins with 25 thousand get 313 and other castes amounting to 3 lakhs and 92 thousand, only 87. I need hardly say that no Government will feel this state of affairs to be satisfactory. In other words, a state of affairs has come into existence whereby certain communities have got more than their due share of representation in Government service. The problem is not merely a distribution of the present offices according to the communal ratio but it is also a balancing of the existing situation. The real difficulty comes in when the Government in spite of the acceptance of the principle thinks now that when four vacancies occur all the four vacancies should be filled up according to the communal ratio. That is the great blunder which the Government is now committing. While these communities want that the injustice of the past, the injustice which is out of proportion

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to the share which should adequately go to these communities should be removed by maintaining the balance and giving as many appointments to the unrepresented communities as possible, what the Government now seems to think is that the principle should be applied only with regard to the future vacancies, and appointments should be made in accordance with the communal ratio. As long as that is the policy adopted by the Government, I do not think that at any time this communal injustice can be cured.

Now Sir, my friend Mr. Govinda Menon was asking as to the different cadres to which these are applied. Since my resolution deals with only appointments beyond the purview of the Staff Selection Board I need only refer to the appointments above Rs. 100 and I may say that while Christians get 52, Nayars get 108 and Brahmins 62.

Mr. V. J. Mathai *(Planters):* On a point of information what was the previous list referring to?

Mr. M. K. Devassy *(Adur):* That relates to the total number of appointments. These figures relate to appointments above Rs. 100. I may also incidentally refer to the number of departmental heads and the distribution of those appointments. I think the figures which I have given are sufficient to point out the injustices, that is, while the Nayar community is getting 108 the the Christians are getting 52, especially when the ratio ought to have been the reverse.

Sir, among the departmental heads again 12 officers are Nayars, 3 other caste Hindus, 3 Christians and one Ezhuva. The total salary drawn by these departmental heads amounts to Rs. 6,550 drawn by Nayars, Rs. 1,600 by other Caste Hindus, Rs. 1,330 by Christians and Rs. 160 by the Ezhuvas.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Have you included the Diwan in the list?

Mr. M. K. Devassy *(Adur):* It is a novel introduction. We will consider the value of that new import after some time. *(Hear, hear). (Laughter).*

Mr. P. Govinda Menon *(Mulakunnathukavu):* I put the question because that accounts for a large sum.

Mr. M. K. Devassy *(Adur):* My friend has not asked us to include the salary of the Diwan when the Diwan was a Hindu. That is my explanation for your interruption.

Mr. P. Govinda Menon *(Mulakunnathukavu):* This question was not raised then.

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Mr. C. R. Iyyunni *(Trichur-South):* If you go to that extent then I will say that the Maharaja's allowance should also be included under the amount drawn by Hindus.

Mr. V. J. Mathai *(Planters):* Mr. Devassy was in your party then and was sharing your views.

Mr. M. K. Devassy *(Adur):* Yes. I was in that party then and it was when I was in that party that that party accepted the principle of communal representation. I do not know whether they have changed now.

Sir, it is not necessary for me to go further into the question than what has been placed before the House. If the House is convinced with the aid of the figures I have presented before the House, that adequate representation to the several communities has been given, then I have nothing more to say. But if the House is convinced that the several communities have not been getting adequate representation according to the figures given, then I hope it is the duty of the House to stand by the resolution and vote for it. If I have anything more to say I will say that after I hear the other hon'ble members.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* I second the resolution.

Mr. V. J. Mathai *(Planters):* Sir, I rise to oppose the resolution. In doing so I may say that nobody need doubt the sincerity with which I am trying to present the other side of the case. Personally, it matters nothing to me. I am only assuring the House that I am actuated by the welfare of the country and not by any ulterior or interior motives. I may say that I am not concerned with getting a Government job in the State. I have gone off the Bar and I have given notice to the High Court that I am not practising at all. There is not a single member of my family in Government service, while there are many in it who have double degrees and treble degrees. I have absolutely no selfish or personal motive in this matter nor am I a person who believe that anything earned by my community is to be shared by me. I do not believe that.

In the first place before answering the two points raised by Mr. Devassy I have to ask the question, "what exactly do you mean by communal justice"? Please let us not fight with one another. Let us fight about the cause before us. The question is whether Government jobs should be divided according to the number of men, women and children in those communities. This is a simple question. If that be the simple question I would cut at the very root of the proposition by asking you what exactly you mean by

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communal justice. I can answer in the sense in which you want us to take it—Justice to the community—what do yo mean by saying that if you apportion these offices among communities according to the population you will be doing justice to the communities. What do you mean by that? If, for example, there are three Judges in the High Court and if you say that one of the judgeships should be given to a Nayar, another to an Ezhuva, and the third to a Christian, do you mean to say that communal justice is done. If you say so, you are attacking the very dignity of, the very sound fundamentals of the constitution of that High Court. By that you are saying that a Nayar will be partial to the Nayar or that he will be only safeguarding the interests of the Nayars to the detriment of the other communities.

Mr. A. B. Salem *(Mattancheri):* You say that because you have got a Christian Judge there!

Mr. V. J. Mathai *(Planters):* I have already told you that I am not at all worried w ether there is a Christian or Nayar there.

Mr. K. M. Ibrahim *(Cranganur):* You say you are not worried because you have already got it?

Mr. V. J. Mathai *(Planters):* Simply because one Christian is there you mean to say that I will be benefited? Do you think that I will get a pie out of his salary? He will be meting out justice, one justice, to me, to you and to everybody else. If he metes out differently then this question will arise. But, as I say, your assumption is wrong. The principle put forth is a principleless principle, a soulless motion as I once said. Is that the principle—communal justice? Please don't misunderstand me. I am not against any particular individual in the world. I am attacking only a policy which you say ought to be adopted and I as a member of this House, as a citizen of the State, and as a member of a family which has been here from time immemorial—probably we were Hindus.

Mr. A. B. Salem *(Mattancheri):* Perhaps.

Mr. V. J. Mathai *(Planters):* Very likely. As one born in this soil and as one belonging to a family which was existing here from time immemorial, even before St. Thomas came here, it is my duty, inborn in me, which I have sucked with my mother's milk, to oppose this resolution in the interests of my country. Therefore I say, first of all there is no meaning in saying commual justice. You are attacking yourself when you say that there is communal justice when you appoint a particular person to a particular appointment. If, for example, you say that the Commissioner of Police should be a Christian according to rotation or that the Christian should share it by one-third, are you not thereby implying that a Christian Police Commissioner would be doing more good to the Christians and *vice*

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versa? Therefore, I say, don't import the question of communal justice.

To the question of Mr. Salem I, again paranthetically, would say that it you had three T. S. Narayana Ayyars let all the three Judges be Brahmins, if you have three C. V. Antonies or P. I. Vergheses, I would say let all of them be Christians. If you have three Lord Readings there I should say let all the Judges of the High Court be Jews. And if you have got three Ayyakutties on the Bench there, justice will not suffer if all the Judges in the High Court are Ezhuvas. That is my position. It is with deep sincerity that I say all these. That being my position I attack again this question of communal justice.

Then secondly, Mr. Devassy was speaking about the emoluments from the officers. Emoluments of offices are obtained by individuals. For example, if a particular individual draws Rs. 1,000 as salary, do you think he is distributing that money to all the members of his community? What exactly do you mean by that?

Mr. M. K. Devassy *(Adur):* I mean that highly paid offices are not distributed among the communities.

Mr. V. J. Mathai *(Planters)*. I ask you this question again. The question is whether Cochin State was not in the hands of Caste Hindus from time immemorial so far as we know? Then if you trace back to the year 1070, or thereabouts when a wise Hindu Maharaja ruled over the State, you will find a Police Commissioner.

. . . . . .

Mr. C. R. Iyyunni *(Trichur-South):* Wise! should you say wise?

Mr. V. J. Mathai *(Planters):* I say wise in the sense that that Maharaja could see into the hearts of men and into the brains of men, and he knew where merits lay. Had anybody felt any inequality when there were six major Heads of Departments who were Christians—there was Justice Mr. P. I. Verghese, then Mr. M. A. Chacko, Mr. M. I. Varkey, Mr. C. Mathai, Dr. Verghese, and lastly Mr. John Kurian, the Chief Engineer. Did the Nayars then say why have we got a majority of Christian Heads of Departments here? Were not the Caste Hindus even then in power? Was not the same system of rule obtaining then also? Therefore, there is no meaning in now speaking of communal injustice. Let us not forget that justice is for all, that justice is blind. Heads of Departments must be those who are selected according to their merits. To businessmen like me, a man who works on the land, it is no matter whether a Nair is the Head of the Department. What really matters is whether he is a

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just and honest and an efficient man. I have been practising in the courts for about 16 years and I must say that during these 16 years I got more encouragement from Caste Hindu Judges and presiding officers than from men of my own community.

Mr. A. V. Moothedan *(Chalakkudi)*: What is the encouragement to be got from the presiding officers?

Mr. V. J. Mathai *(Planters)*: Encouragement from the presiding officers means giving you proper advice, correcting you when you go wrong, taking you to the path of duty and and so on. That is what I mean by encouragement. Even subsequently when I started business,I got greater encouragement from Caste Hindus than from Christians.

Further I ask this question. When a Brahmin wants to build a house, does he ask Brahmins to come and build the house for him? Is it the actual state of affairs in the Cochin State? When you want to engage a lawyer, don't you engage the best man; when you want a doctor, don't you engage the best of doctors? Then what exactly do you mean by saying that you prefer members of your own community. There is no meaning in that. It is meaningless. I have already given a history of the conditions prevailing in the Cochin State and now what exactly do we see as regards the present state of affairs. The present state of affairs is this, that the socalled communal feeling is non-existent in Cochin State. What is reflected by the three parties here? Mr. Iyyunni's party is led by a Nayar.

Mr. A. V. Moothedan *(Chalakkudi)*: He is the leader of the Party here.

Mr. V. J. Mathai *(Planters)*: He is not the leader of the Party. He is only the floor leader. *(Laughter)*.

Mr. C. R. Iyyunni *(Trichur-South)*: I will pay you in the same coins. You may wait for my turn.

Mr. V. J. Mathai *(Planters)*: I m not afraid of 25 Iyyunnies. *(Laughter)*.

Mr. C. R. Iyyunni *(Trichur-South)*: Nor am I.

Mr. V. J. Mathai *(Planters)*: I am speaking about the existence of communalism. I say it doesn't exist.

Mr. C. R. Iyyunni *(Trichur-South)*: Because you had greater encouragement at the hands of the Government.

Mr. V. J. Mathai *(Planters)*: I challenge you to show what was the special encouragement given?

Mr. C. R. Iyyunni *(Trichur-South)*: Certainly I will take up the challenge when my turn comes.

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Mr. V. J. Mathai *(Planters):* I am not obliged to the Government for a tittle. I have not gone to ask the Government to support me in any elections. I am a man who is working for my livelihood. I detest this job hunting business. I am obliged to none except to God and Mother Earth for my maintenance.

Mr. C. R. Iyyunni *(Trichur-South):* Mother earth ?

Mr. V. J. Mathai *(Planters):* I ask you again "who leads the State Congress Party" ? A Nayar. Where does communalism come in there ? Who is the second in the Party ? A Nayar, Mr. Eachara Menon. And again what about the Progressive Party ? Is there communal representation there also ? Who is the leader of that party ? Mr. Viswambharan, the majority there are Christians. What I am saying is not a personal matter. My humble apologies to everybody who thinks that I make a personal reference to anybody. It is only an illustration. I do say that we should reflect the public opinion in the Cochin State. We do not observe this meaningless principle, anywhere for that matter. Then if we are not observing that principle, why do you say that it exists in the Cochin State ? It does not. Let us take the case of the shop keepers. The majority of them are Christians and Muhamadans. You cannot say that Nayars do not go to Muhammadan shops or to the Christian shops.

Mr. A. V. Moothedan *(Chalakkudi):* It is irrelevant.

Mr. V. J. Mathai *(Planters):* I maintain it is relevant. I am saying under the existing state of affairs in Cochin State there is no communalism at all. There was no communalism. Then a few half-educated communalists came out and tried to fight the Caste Hindus. They said we are greater in number or to put it otherwise "our women are delivering more children *(laughter)*; give us more jobs". Don't laugh; when that is a fact why should I not expose it nakedly? Therefore they asked that since our women are delivering more children.....

Mr. A. V. Moothedan *(Chalakkudi):* Very bad taste indeed !

Mr. V. J. Mathai *(Planters):* Nothing at all. There is nothing unparliamentary in it. I very deliberately make that statement. Because when you bring in a resolution like that I am entitled to show its nakedness to the public. Therefore I tell you when you brought up this principle, when communalism was adumbrated by half-educated Christians and Ezhuvas, the Nayar became communal minded. Not before that. When Dr. C. Mathai was Director of Public Instruction no Nayar minded it. But when you began to attack Caste Hindus by saying that you should have more Christian and

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Ezhuva officers, the Nayars and the other Caste Hindus became caste-minded. Not all of them ; only a few. Only some of them became communal minded. Therefore we find the fight which recently went on between a communal minded man and another, because that other person expounded the same theory. Everybody at this rate will become communal minded. But luckily every one has not become communal minded yet. We have not all become communal minded yet. If we all become communal minded the result will be a terrible disaster. It will lead us nowhere.

Now let us go into the practicability of the scheme. How many communities are there in Cochin State? How many offices are there in the Cochin State ? Let us take the Diwan's post ? Is it not the greatest job in the gift of the Maharaja, a very responsible post, a post to which I and you could rightly aspire?

Mr. C. R. Iyyunni *(Trichur-South):* Oh, you aspire for Diwan's post ?

Mr. V. J. Mathai *(Planters):* Certainly, and if I succeed, I will teach you where you should stand. *(Laughter).*

Mr. C. R. Iyyunni *(Trichur-South):* Greater people than you have come and gone. I have heard several people saying that. *(Laughter).*

Mr. V. J. Mathai *(Planters):* After all, Mr. Iyyunni, we are fighting about a cause. It is not your matter or my matter. *(loud laughter).* Both of us are non-officials. None of us have got a job. *(laughter).* Let us forget it. Please forget that it is not a private matter. Excuse me for taking so much time, Mr. President, unfortunately interruptions have taken place.

Deputy President : We will continue the speech tomorrow.

The House rose for the day at 5 p.m.

C. J. MATHEW
Secretary to the Council

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